S.B. Civil Writ Petition NO.5734/2004
(Himmat Ram & Ors. Vs. State & Anr.)

Date of order : 9.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. K.K. Bissa, for the petitioners.
Mr. R.K. Mehta, for the respondents.

Heard learned counsel for the parties.

In this case, an application under Order 39 Rule 1 and 2 read with Section 151, Code of Civil Procedure was filed along with the suit before the Civil judge (JD) & Judicial Magistrate, Ist, Shivganj. The learned trial court passed an order upon the application for temporary injunction on 27.2.2003 whereby the application was rejected. Thereafter an appeal was preferred by the petitioners before the District Judge, Sirohi. That too, was dismissed by the learned trial court. Thereafter, this writ petition was filed by the petitioners, challenging the order passed by the trial court as well as appellate court.

In this case, while issuing notice on 9.2.2005, an order for maintaining status-quo with respect to the property in dispute was passed. The said order is still in force for last two years. Therefore, in the interest of justice, the trial court

is directed to expedite the trial of the suit expeditiously as far as possible within a period of six months. Till then, the ad-interim order dated 9.2.2005 with regard to maintaining the status-quo with respect to the property in dispute passed by this Court shall remain in force.

With these directions, the writ petition is disposed of.

(GOPAL KRISHAN VYAS), J .

arun